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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10
11 CARL MEEKS,

12 Plaintiff,

13 v.

14 FCA US LLC, and DOES 1 through 10,

15 Defendants.

16 Case No. 1:22-cv-00761-AWI-CDB

17 ORDER DISCHARGING ORDER TO
18 SHOW CAUSE

19 (ECF No. 16)

20 On June 22, 2022, Plaintiff Carl Meeks filed this Song-Beverly Act action under California

21 Civil Code § 1790 *et seq.* seeking damages for Defendants' alleged vehicle warranty violations.

22 (ECF No. 1.)

23 On October 26, 2022, Plaintiff was ordered to show cause in writing why Plaintiff should
24 not be sanctioned for failing to appear at the scheduling conference on October 26, 2022. (ECF
25 No. 16) Counsel for Plaintiff's failure to appear at that scheduling conference followed counsel's
26 earlier and continuing failures to comply with the Court's repeated orders to file magistrate judge
27 jurisdiction consent/decline forms. (ECF Nos. 5, 11.)

28 On the same day that the order to show cause issued in this matter, Counsel for Plaintiff
29 responded with a declaration in which she acknowledged committing the above-referenced errors
30 and committed to timely following future orders and attend court hearings. Counsel also explained

1 the remedial efforts she had attempted to make once she learned she was late for the scheduling
2 conference.

3 To determine whether neglect is excusable, a court must consider four factors: "(1) the
4 danger of prejudice to the opposing party; (2) the length of the delay and its potential impact on
5 the proceedings; (3) the reason for the delay; and (4) whether the movant acted in good faith." *In*
6 *re Veritas Software Corp. Sec. Litig.*, 496 F.3d 962, 973 (9th Cir. 2007). The Court finds Plaintiff's
7 counsel's errors noted above constituted excusable neglect and finds good cause to discharge the
8 show cause order.

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10 IT IS SO ORDERED.

11 Dated: October 27, 2022


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UNITED STATES MAGISTRATE JUDGE